

PREVAILED

Roll Call No. \_\_\_\_\_

FAILED

Ayes \_\_\_\_\_

WITHDRAWN

Noes \_\_\_\_\_

RULED OUT OF ORDER

## HOUSE MOTION \_\_\_\_\_

MR. SPEAKER:

I move that House Bill 1973 be amended to read as follows:

- 1 Page 1, strike lines 4 through 8.
- 2 Page 1, line 9, delete "(3)" and insert **"(1)"**.
- 3 Page 1, line 10, strike "and".
- 4 Page 1, strike lines 11 through 12.
- 5 Page 1, line 13, delete "(5)" and insert **"(2)"**.
- 6 Page 1, line 13, delete "ethanol" and insert **"renewable fuels"**.
- 7 Page 1, line 14, after ";" insert **"and"**.
- 8 Page 1, after line 14 , begin a new subparagraph and insert:
- 9 **"(3) to access federal government monies available to the State**
- 10 **to further the market development activities described in**
- 11 **subsections (1) and (2) of this section."**
- 12 Page 1, delete lines 15 through 17.
- 13 Page 2, delete line 1.
- 14 Page 2, line 15, after "Each" insert **"elected"**.
- 15 Page 2, line 42, after "office" insert **"representing first purchaser**
- 16 **organizations"**.
- 17 Page 3, after line 4 , begin a new subparagraph and insert:
- 18 **"(d) When an appointed council member's office representing**
- 19 **the General Assembly becomes vacant before the expiration of the**
- 20 **member's term of office, the commissioner of agriculture shall fill**
- 21 **the vacancy by appointing a replacement member who represents**
- 22 **the General Assembly and is a member of the same political party**
- 23 **as the appointed council member who vacated the office. The**
- 24 **appointee shall serve for the remainder of the unexpired term."**
- 25 Page 3, delete lines 11 through 13.
- 26 Page 4, delete lines 5 through 6.
- 27 Page 4, after line 11 , begin a new subparagraph and insert:

1           "(d) The commissioner of agriculture shall appoint two (2)  
2 members of the General Assembly to serve as members of the  
3 council. These appointed members shall at all times be members  
4 of different political parties. Notwithstanding any other law, the  
5 members appointed under this section shall be entitled to receive  
6 the per diem of members of the General Assembly for time spent  
7 in attendance at the meetings of the council. Per diem of these  
8 members shall be paid by the council upon approval of the  
9 director."

10           Page 5, strike lines 16 through 17.

11           Page 5, line 18, strike "(12)" and insert "(11)".

12           Page 5, line 21, strike "(13)" and insert "(12)".

13           Page 5, line 28, strike "by first".

14           Page 5, line 29, strike "purchasers".

15           Page 5, line 38, delete "The council may pay for infrastructure  
16 development".

17           Page 5, delete lines 39 through 40.

18           Page 6, line 8, after "and" insert "**shall be collected by the first**  
19 **purchaser unless the producer exercises the option under**  
20 **subsection (b) to be excluded from the assessment.**".

21           Page 6, line 8, delete "may be imposed and collected only if the".

22           Page 6, delete line 9.

23           Page 6, line 10, delete "procedures described in subsection (b).".

24           Page 6, line 12, delete "Annually, and in" and insert "**In**".

25           Page 6, line 13, after "purchaser" insert "following June 30, 2001".

26           Page 6, line 13, after "shall" insert "**make available to the**  
27 **producer the form granting the producer the option to be excluded**  
28 **from the assessment and inform the producer of the option to be**  
29 **excluded.**".

30           Page 6, line 13, delete "have".

31           Page 6, line 14, delete "the producer" and insert "**If the producer**  
32 **desires to be excluded from the assessment, the producer shall**".

33           Page 6, line 15, delete "participate in or decline" and insert "**be**  
34 **excluded from**".

35           Page 6, line 16, delete "an" and insert "a".

36           Page 6, line 17, delete "annual".

37           Page 6, line 17, delete "participate in or decline" and insert "**be**  
38 **excluded from**".

39           Page 6, line 18, before "The" insert "**A completed form by a**  
40 **producer shall remain in effect until repealed in writing by the**  
41 **producer and delivered to the first purchaser.**".

42           Page 6, line 20, after "subsection" insert "**and distribute the form**  
43 **to the first purchaser prior to July 1, 2001. The council shall**  
44 **reimburse the office of the commissioner of agriculture for the**  
45 **costs of preparation and distribution of the forms required by this**  
46 **subsection from the funds the council receives under this chapter.**  
47 **".**

48           Page 6, line 21, delete "fifty (50)".

49           Page 6, line 21, after "bag" insert "**one dollar (\$1.00) per unit is**  
50 **imposed on all seed corn sold in Indiana by a qualified seed retailer**  
51 **who sold greater than fifty thousand (50,000) units of seed corn in**

the previous calendar year. An assessment of fifty (50) cents per unit is imposed on all seed corn sold in Indiana by a qualified seed retailer who sold greater than ten thousand (10,000) units, but less than fifty thousand one (50,001) units of seed corn, in the previous calendar year. The assessment on a quantity of seed corn shall be collected and remitted by the qualified seed retailer. For the purposes of this chapter, a qualified seed retailer of a quantity of seed corn is the owner of that seed corn whose seed corn is sold at the first point of sale."

Page 6, line 22, delete "cents per unit".

Page 6, line 22, strike "is imposed on all seed corn sold in Indiana. The".

Page 6, strike lines 23 through 25.

Page 6, line 26, after "producer" insert "**does not**".

Page 6, line 26, delete "indicates" and insert "**indicate**".

Page 6, line 26, after "be" insert "**excluded from the assessment permitted under subsection (a) by following**".

Page 6, line 26, delete "assessed".

Page 6, line 27, delete "under".

Page 6, after line 40 , begin a new subparagraph and insert:

**"(f) The assessment collected under subsection (c) of this section shall be remitted to the council twice yearly. Assessments collected from January 1 through June 30 of each year shall be remitted to the council by August 14 of that year. Assessments collected from July 1 through December 31 shall be remitted to the council by February 14 of the following year. A qualified seed retailer who remit all assessments collected during a period within fifteen (15) days after the end of the period is entitled to retain three percent (3%) of the total assessments as a handling fee for assessments remitted."**

Page 6, after line 42 , begin a new paragraph and insert:

"SECTION 12. IC 15-4-10-27 IS AMENDED TO READ AS FOLLOWS: Sec. 27. (a) A first purchaser **and a qualified seed retailer** shall keep detailed records of all assessments collected and remitted under this chapter.

(b) Upon request, a first purchaser **and a qualified seed retailer** shall supply the council with any information from records kept under subsection (a)."

Page 7, before line 1 , begin a new paragraph and insert:

"SECTION 13. IC 15-4-10-30 IS AMENDED TO READ AS FOLLOWS: Sec. 30. (a) If a first purchaser **or a qualified seed retailer fails fail** to remit the assessments collected during a period defined in section ~~26(c)~~ **26** of this chapter within forty-five (45) days after the end of the period, the council shall contact the first purchaser **or the qualified seed retailer** and allow the first purchaser **or the qualified seed retailer** to present comments to the council concerning:

(1) the status and amount of the assessments due; and

(2) any reasons why the council should not bring legal action against the first purchaser **or the qualified seed retailer**.

(b) After allowing a first purchaser **or a qualified seed retailer**

- 1 the opportunity to present comments, the council:
- 2 (1) shall adjust the amount of the assessments due, if the first
- 3 purchaser's **or qualified seed retailer's** comments reveal that
- 4 the council's figure is inaccurate; and
- 5 (2) may assess a penalty against the first purchaser **or qualified**
- 6 **seed retailer** of no more than ten percent (10%) of the amount
- 7 of any assessments not remitted within forty-five (45) days after
- 8 the end of the period.
- 9 (c) If a first purchaser **or the qualified seed retailer** fails to remit
- 10 assessments after being allowed to present comments under subsection
- 11 (a) or to pay any penalty assessed under subsection (b), the council may
- 12 bring a civil action against the first purchaser **or the qualified seed**
- 13 **retailer** in the circuit, superior, or municipal court of any county. The
- 14 action shall be tried and a judgment rendered as in any other
- 15 proceeding for the collection of a debt. In an action under this
- 16 subsection, the council may obtain:
- 17 (1) a judgment in the amount of all unremitted assessments and
- 18 any unpaid penalty; and
- 19 (2) an award of the costs of bringing the action."
- 20 Page 7, after line 2 , begin a new paragraph and insert:
- 21 "SECTION 15. [EFFECTIVE MAY 15, 2001] IC 15-4-10-28 IS
- 22 REPEALED.
- 23 Renumber all SECTIONS consecutively.
- (Reference is to HB 1973 as printed February 27, 2001.)

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Representative FRIEND